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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/689,590	10/22/2003	Shinji Ito	58604-031	6370

7590 10/20/2004

McDermott, Will & Emery
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EXAMINER

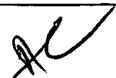
CULLER, JILL E

ART UNIT	PAPER NUMBER
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2854

DATE MAILED: 10/20/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/689,590	Applicant(s) ITO, SHINJI	
	Examiner Jill E. Culler	Art Unit 2854	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 22 October 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-14 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-3,9 and 14 is/are rejected.
- 7) ☒ Claim(s) 4-8 and 10-13 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 22 October 2003 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>10/22/03, 2/20/04</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Drawings

1. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they do not include the following reference sign(s) mentioned in the description: "43", referencing a motor, on page 9, line 13, and "20" and "21" referencing an ink feeder and water feeder respectively on page 11, lines 2-3, although these have been included with designations such as 20a and 21a, the numerals by themselves are not in the drawings.

The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they include the following reference character(s) not mentioned in the description: "219" in Figure 3.

The drawings are objected to as failing to comply with 37 CFR 1.84(p)(4) because reference character "210" has been used to designate both a support plate and a side plate in Figure 4. It appears that the instance of this numeral found near the bottom of the figure should be "209" instead, as in the other Figures.

Corrected drawing sheets in compliance with 37 CFR 1.121(d), or amendment to the specification to add the reference character(s) in the description in compliance with 37 CFR 1.121(b) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The replacement sheet(s) should be labeled "Replacement Sheet" in the page header (as per 37 CFR 1.84(c)) so as not to obstruct any portion of the drawing

figures. If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1-3, 9 and 14 are rejected under 35 U.S.C. 102(b) as being anticipated by USPGPUB 2002/0053295 to Jentzsch.

With respect to claims 1-3 and 9, Jentzsch teaches a printing machine for recording an image on a printing plate, and printing the image by using the printing plate with the image recorded thereon, comprising: a plate cylinder, 1, for supporting a printing plate as mounted peripherally thereof; an image recorder, 9, 10, 11, having a recording head movable along a surface of said plate cylinder in a direction parallel to an axis of rotation of said plate cylinder for recording an image on said printing plate mounted peripherally of said plate cylinder; an ink feeder, 4, for feeding ink to said printing plate with the image recorded thereon mounted peripherally of said plate cylinder; a printing means, 2, 3, for printing an image on a printing sheet by using the printing plate with an ink fed; and retreat moving means, 91, 92, 93, operable at a printing time, for moving said recording head to a retreat position sideways from a

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moving region where said recording head is moved at an image-recording time, and further comprising a chamber, 121, for enclosing said recording head moved to said retreat position, said chamber defining an opening, 61, opposed to said moving region for allowing passage of said recording head and a shielding plate, 6, disposed between said moving region and said retreat position, and defining an opening for allowing passage of said recording head wherein said shielding plate is a side plate for rotatably supporting said plate cylinder. See column 2, lines 32-52, column 3, lines 10-32 and Figures 1-2 in particular.

With respect to claim 14, Jentzsch teaches a printing machine for recording an image on a printing plate, and printing the image by using the recorded printing plate with ink fed thereon, comprising; a plate cylinder, 1, for supporting a printing plate as mounted peripherally thereof; an image recorder, 9, 10, 11, having a recording head movable along a surface of said plate cylinder in a direction parallel to an axis of rotation of said plate cylinder for recording an image on said printing plate mounted peripherally of said plate cylinder; retreat moving means, 91, 92, 93, for moving said recording head in a direction parallel to said axis of rotation of said plate cylinder and positioning said recording head to a retreat position which is outside of said plate cylinder, after image-recording time; protection means, 6, 121, for reducing a chance of said recording head being contaminated by printing particles during a printing time. See column 2, lines 32-52, column 3, lines 10-32 and Figures 1-2 in particular.

Allowable Subject Matter

4. Claims 4-8 and 10-13 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

The following is a statement of reasons for the indication of allowable subject matter: The prior art does not teach or render obvious a printing machine for recording an image on a printing plate as claimed, particularly including retreat moving means and a retreat position, comprising a gas jet nozzle for forming an air curtain along an opening as a barrier between the retreat position and a moving region, a shielding door for opening and closing the opening of a shielding plate, or gas flow forming means for forming a gas flow directed from the retreat position toward a moving region.

Conclusion

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. U.S. Patent No. 6,470,799 to Nakazawa et al., U.S. Patent No. 6,502,509 to Gottling et al., and U.S. Patent No. 6,543,348 to Onuma et al. each teach a printing machine with an imaging device having obvious similarities to the claimed subject matter.


6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jill E. Culler whose telephone number is (571) 272-2159. The examiner can normally be reached on M-Th 8:30-5:00.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrew Hirshfeld can be reached on (571) 272-2168. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

jec



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